

PATENT

Atty. Dkt. No. WEAT/0532

REMARKS

This is intended as a full and complete response to the Office Action dated October 26, 2005, having a shortened statutory period for response set to expire on January 26, 2006. Claims 1-39 are pending in the application. Please reconsider the claims pending in the application for reasons discussed below.

Claim Objections

The Examiner objected to claims 34-37 and 39 due to informalities. Applicants have cancelled claims 34-37 and 39, thereby obviating the objection.

Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 6-18, 34, and 37 as being anticipated by *Simpson*, U.S. 5,030,071. The Examiner rejected claims 1-5, 13, 21-27, 34, and 39 as being anticipated by *Webb*, U.S. 3,388,755. Applicants have cancelled claims 1-18, 21-27, 34, 37, and 39, thereby obviating the rejection.

Allowable Subject Matter

The Examiner objected to claims 35 and 36 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have rewritten claims 35 and 36 as new claims 40 and 46, respectively. Applicants believe that new claims 40 and 46 are in condition for allowance and respectfully request the same. Additionally, claims 41-45 depend from new claim 40 and claims 47-50 depend from new claim 46 and these claims are allowable for at least the same reasons as new claims 40 and 46.

New Claims

New claims 51-65 have been added to claim aspects of the present invention. No new matter has been added. Applicants believe that the references cited by the Examiner do not teach or disclose a drilling system for use in a wellbore. The drilling system comprising a tubular, a drill bit and a motor having a first fluid pathway and a

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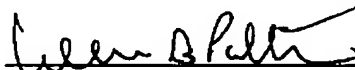
second fluid pathway, wherein the motor includes a mesh material disposed in the first fluid pathway to limit the size of particles traveling therethrough, as recited in new claims 51-61. Support for new claims 51-61 is found in paragraph [0035] and paragraph [0042] and throughout the specification of the published application. Additionally, Applicants believe that the references cited by the Examiner do not teach or disclose a tool for use in a wellbore. The tool comprising a housing having a substantially elliptical shaped inner bore, a rotor having a plurality of extendable members disposed on the outer surface thereof, a first fluid pathway through the tool, wherein the fluid pathway includes at least one chamber formed between the substantially elliptical shaped inner bore and the rotor and a second fluid pathway through the tool, wherein the second fluid pathway is separate from the first fluid pathway, as recited in new claims 62-64. Support for new claims 62-65 is found in paragraph [0042] and paragraph [0045] – [0047] and throughout the specification of the published application. Applicants believe that new claims 51-65 are in condition for allowance and respectfully request the same.

Conclusion

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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